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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 July 2008</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

7/17/2008 has been entered.

Remarks

2.   Claims 1-41 are pending.

Specification

3.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: "computer readable medium" as in claim 19 does not have

proper antecedent basis. It is noted that "computer readable medium" is mentioned in

the specification, but not sufficient to provide the proper antecedent basis.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by rsync

(rsync Unix command manual page, version 2.4.1, February 2000).

As per claim 32, rsync teaches

A system for performing a consistency check of a source directory replicated to a

destination directory by comparing entries in the source and destination directories, the

system comprising: (DESCRIPTION section)

one or more storage disks configured to store one or more of a group consisting

of the source directory and the destination directory; (USAGE section)

and a process configured to compare entries in the source directory with en\-

tries in the destination directory by walking the source and destination directories only

once, whereby utilization of storage subsystems associated with the source and

destination directories is limited by only walking each of the source and destination

directories once, (OPTIONS section, -r command; 'configured to' indicates intended

use; Minton v. Nat 'l Ass 'n of Securities Dealers, Inc., 336 F.3d 1373, 1381, 67

USPQ2d 1614, 1620 (Fed. Cir. 2003) "whereby clause in a method claim is not given

weight when it simply expresses the intended result of a process step positively recited."

Examples of claim language, although not exhaustive, that may raise a question as to

the limiting effect of the language in a claim are: (A) "adapted to" or "adapted for"

clauses; (B) "wherein" clauses; and (C) "whereby" clauses. Therefore intended use

limitations are not required to be taught, see MPEP § 2106 Section II(C), MPEP

2111.04 [R-3], hereinafter *intended use*)

and further configured to report a difference between the source directory and

the destination directory, wherein the source directory is located on a source storage

system and the destination directory is located on a destination storage system and the

source storage system and the destination storage system are separate stand alone

storage systems. (OPTIONS section, -r command; "configured to" indicates intended

use)

As per claim 33, rsync teaches

the process executes on a computer associated with the source directory.

(DESCRIPTION section)

As per claim 34, rsync teaches

the process executes on a computer associated with the destination directory.

(DESCRIPTION section)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 1-11 and 17-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Orwant et al.</u> ('Orwant' hereinafter) (Mastering Algorithms with Perl,

by Jon Orwant et al., Publisher: O'Reilly Media, Inc., Pub Date: August 20, 1999, ISBN-

10: 1-565-92398-7) in view of <u>Musser</u> (Rationale for Adding Hash Table to the C++

Standard Template Library, by David R. Musser, Computer Science Department,

Rensselaer Polytechnic Institute, February 1995).

        As per claim 1, <u>Orwant</u> teaches

        A method for comparing a first order-independent data set comprising unique

elements with a second order-independent data set comprising unique elements,

comprising: (section 6.4, first paragraph)

        (a) for each entry in the first data set, placing the entry in a table, wherein the first

data set is stored on a source storage system; (set a, section 6.4.2)

        (b) selecting an entry from the second data set, wherein the second data set is

located on a destination storage system and the source storage system and the

destination storage system are separate stand alone storage systems; (set b, section

6.4.2)

        (c) looking up the selected entry in the table; (d) removing, in response to

locating the selected entry in the table, the selected entry from the table;(e) determining

if additional second data set entries exist;(f) looping to step (b) in response to identifying

additional second data set entries; and (g) reporting a difference between the first data

set and the second data set in response to at least one first data set entry remaining in

the table. (subroutine for set differences between two sets, section 6.4.3)

Orwant does not explicitly indicate "hash table".

However, Musser discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant and Musser because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 2, Orwant teaches

identifying, in response to not locating the selected entry in the table, that the

selected entry is second data set unique. (section 6.4.1; figure 6-8)

Orwant does not explicitly indicate "hash table".

However, Musser discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant and Musser because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 3, Orwant teaches

performing, in response to not locating the selected entry in the table, a remedial

function. (symmetric difference, section 6.4.3)

Orwant does not explicitly indicate "hash table".

However, Musser discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant and Musser because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 4, Orwant teaches

the remedial function comprises deleting the selected entry of the second data

set. (delete in symmetric difference, section 6.4.3)

As per claim 5, Orwant teaches

identifying in response to no additional entries existing, any remaining entries in

the table data as being first data set unique.(section 6.4.3)

Orwant does not explicitly indicate "hash table".

However, Musser discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant and Musser because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 6, Orwant teaches

performing in response to no additional entries existing, a remedial function.

(symmetric difference, section 6.4.3)

As per claim 7, Orwant teaches

the remedial function comprises deleting the selected entry of the first data set.

(symmetric difference, section 6.4.3)

As per claim 8, Orwant teaches

the remedial function comprises transferring the selected entry from the first data

set to the second data set. (symmetric difference, section 6.4.3)

As per claim 9, Orwant teaches

the step of removing the selected entry from the table occurs in response to

identifying a match between a selected entry of the first data set and an entry of the

second data set. (symmetric difference, section 6.4.3)

Orwant does not explicitly indicate "hash table".

However, Musser discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine <u>Orwant</u> and <u>Musser</u> because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 10, <u>Orwant</u> teaches

the table comprises a B-tree. (b-tree, section 3, first page)

<u>Orwant</u> does not explicitly indicate "hash table".

However, <u>Musser</u> discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine <u>Orwant</u> and <u>Musser</u> because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 11, <u>Orwant</u> teaches

the table comprises a fast lookup data structure. (section 3, first page)

<u>Orwant</u> does not explicitly indicate "hash table".

However, <u>Musser</u> discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine <u>Orwant</u> and <u>Musser</u> because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claims 17-18,

These claims are rejected on grounds corresponding to the arguments given

above for rejected claims 1-2 and are similarly rejected.

As per claim 19-21,

These claims are rejected on grounds corresponding to the arguments given

above for rejected claim 1 and are similarly rejected.

As per claim 22, <u>Orwant</u> teaches

A method for comparing a first data set with a second data set, comprising:

(section 6.4, first paragraph)

(a) selecting an entry from the first data set, wherein the first data set is stored on

a source storage system; (b) determining if the selected entry from the first data set is in

a table; (set a, section 6.4.2)

(c) adding, in response to determining that the selected entry from the first data

set is not in the table, the selected entry from the first data set to the table; (d) removing

from the table, in response to determining that the selected entry from the first data set

is in the table, the selected entry from the first data set; (set intersection, section 6.4.3)

(e) selecting an entry from the second data set, wherein the second data set is located on a destination storage system and the source storage system and the destination storage system are separate stand alone storage systems; (set b, section 6.4.2)

(f) determining if the selected entry from the second data set is in the table; (g) adding, in response to determining that the selected entry from the second data set is not in the table, the selected entry from the second data set to the table; (h) removing, in response to determining that the selected entry from the second data set is in the table, the selected entry from the second data set from the table; (set intersection, section 6.4.3)

(i) independently continuing steps (a) through (d) and (e) through (h) for all entries in the first and second data sets until both the first and second data sets have been completely processed; and (j) reporting a difference between the first data set and the second data set in response to at least one entry remaining in the table. (subroutine for set differences between two sets, section 6.4.3)

Orwant does not explicitly indicate "hash table".

However, Musser discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Orwant and Musser because using the steps of "hash table" would have given those skilled in the art the tools to improve the invention by allowing quicker determination of processing of entries. This gives the user the advantage of better use of computing resources.

As per claim 23, <u>Orwant</u> teaches

the step of adding the selected entry from the first data set to the table further

comprises including information with the selected entry from the first data set identifying

the selected entry from the first data set as originating from the first data set. (symmetric

difference, section 6.4.3)

<u>Orwant</u> does not explicitly indicate "hash table".

However, <u>Musser</u> discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine <u>Orwant</u> and <u>Musser</u> because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 24, <u>Orwant</u> teaches

the step of adding the selected entry from the second data set to the table further

comprises including information with the selected entry from the second data set

identifying the selected entry from the second data set as originating from the second

data set. (symmetric difference, section 6.4.3)

<u>Orwant</u> does not explicitly indicate "hash table".

However, <u>Musser</u> discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant and Musser because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 25, Orwant teaches

the step of removing the selected entry from the second data set from the table

occurs in response to identifying a match between a selected entry from the second

data set and an entry from the first data set. (symmetric difference, section 6.4.3)

Orwant does not explicitly indicate "hash table".

However, Musser discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant and Musser because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 26, Orwant teaches

(k) recording all entries remaining in the table as being unique to either the first

data set or the second data set. (symmetric difference, section 6.4.3)

Orwant does not explicitly indicate "hash table".

However, <u>Musser</u> discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine <u>Orwant</u> and <u>Musser</u> because using the steps of "hash table" would have given those skilled in the art the tools to improve the invention by allowing quicker determination of processing of entries. This gives the user the advantage of better use of computing resources.

As per claims 27-28,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 10-11 and are similarly rejected.

8.   Claims 12-16 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Orwant et al.</u> ('<u>Orwant</u>' hereinafter) (Mastering Algorithms with Perl, by Jon Orwant et al., Publisher: O'Reilly Media, Inc., Pub Date: August 20, 1999, ISBN-10: 1-565-92398-7) in view of <u>Musser</u> (Rationale for Adding Hash Table to the C++ Standard Template Library, by David R. Musser, Computer Science Department, Rensselaer Polytechnic Institute, February 1995) and further in view of <u>rsync</u> (rsync Unix command manual page, version 2.4.1, February 2000).

As per claim 12,

Neither <u>Orwant</u> nor <u>Musser</u> explicitly indicate "the first data set comprises a set of directory entries on a source system".

However, <u>rsync</u> discloses "the first data set comprises a set of directory entries on a source system" (OPTIONS section).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine <u>Orwant</u>, <u>Musser</u> and <u>rsync</u> because using the steps of "the first data set comprises a set of directory entries on a source system" would have given those skilled in the art the tools to improve the invention by allowing quicker determination of processing of entries. This gives the user the advantage of better use of computing resources.

As per claim 13,

Neither <u>Orwant</u> nor <u>Musser</u> explicitly indicate "the second data set comprises a set of entries of a directory on a destination system".

However, <u>rsync</u> discloses "the second data set comprises a set of entries of a directory on a destination system" (OPTIONS section).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine <u>Orwant</u>, <u>Musser</u> and <u>rsync</u> because using the steps of "the second data set comprises a set of entries of a directory on a destination system" would have given those skilled in the art the tools to improve the invention by allowing quicker determination of processing of entries. This gives the user the advantage of better use of computing resources.

As per claim 14,

Neither Orwant nor Musser explicitly indicate "the first data set comprises a set of directory entries on a destination system".

However, rsync discloses "the first data set comprises a set of directory entries on a destination system" (OPTIONS section).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Orwant, Musser and rsync because using the steps of "the first data set comprises a set of directory entries on a destination system" would have given those skilled in the art the tools to improve the invention by allowing quicker determination of processing of entries. This gives the user the advantage of better use of computing resources.

As per claim 15,

Neither Orwant nor Musser explicitly indicate "the second data set comprises directory entries on a source data set".

However, rsync discloses "the second data set comprises directory entries on a source data set" (OPTIONS section).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Orwant, Musser and rsync because using the steps of "the second data set comprises directory entries on a source data set" would have given those skilled in the art the tools to improve the invention by allowing quicker

determination of processing of entries. This gives the user the advantage of better use

of computing resources.

As per claim 16,

Neither Orwant nor Musser explicitly indicate "the first data set and the second

data set are on different storage devices".

However, rsync discloses "the first data set and the second data set are on

different storage devices" (OPTIONS section).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant, Musser and rsync because using the steps of

"the first data set and the second data set are on different storage devices" would have

given those skilled in the art the tools to improve the invention by allowing quicker

determination of processing of entries. This gives the user the advantage of better use

of computing resources.

As per claims 29-31,

These claims are rejected on grounds corresponding to the arguments given

above for rejected claims 12-13 and 16 and are similarly rejected.

9.   Claims 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

rsync (rsync Unix command manual page, version 2.4.1, February 2000) in view of

<u>Musser</u> (Rationale for Adding Hash Table to the C++ Standard Template Library, by

David R. Musser, Computer Science Department, Rensselaer Polytechnic Institute,

February 1995).

As per claim 35, <u>rsync</u> teaches

the process is further adapted to remove matching entries from a table, whereby

future look up operations in the table are enabled to be performed faster due to a

smaller size of the table. (OPTIONS section)

<u>Orwant</u> does not explicitly indicate "hash table".

However, <u>Musser</u> discloses "hash table" (page 8, paragraph 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine <u>Orwant</u> and <u>Musser</u> because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

As per claim 36, <u>rsync</u> teaches

A system for performing a consistency check of a source directory and a

destination directory by comparing entries in the source and destination directories, the

system comprising: (DESCRIPTION section)

a processor configured to select alternating entries from the source and

destination directories to be added to a table and further adapted to remove matching

entries from the table, whereby a size of the table is limited to a number of dissimilar

entries of the source and destination directories, and further configured to report a

difference between the source directory and the destination directory in response to the

number of dissimilar entries being greater than zero, wherein the source directory is

located on a source storage system and the destination directory is located on a

destination storage system and the source storage system and the destination storage

system are separate stand alone storage systems. (OPTIONS section, -r command;

"configured to" indicates intended use)

 Orwant does not explicitly indicate "hash table".

 However, Musser discloses "hash table" (page 8, paragraph 9).

 It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant and Musser because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

 As per claim 37, rsync teaches

 A system for comparing entries in a source directory with entries on a destination

directory to ensure consistency of replicated data between the source and destination

directories, the system comprising: (DESCRIPTION section)

 a computer associated with at least one of the source and destination directories,

the computer comprising a directory comparison process configured to perform a

comparison of entries in the source and destination directories by walking each

directory once and placing entries in a table and further configured to remove matching

entries from the table, whereby computational cost is reduced for future look up

operations in the table, wherein the source directory is located on a source storage

system and the destination directory is located on a destination storage system and the

source storage system and the destination storage system are separate stand alone

storage systems. (OPTIONS section, -r command; "configured to" indicates intended

use)

     Orwant does not explicitly indicate "hash table".

     However, Musser discloses "hash table" (page 8, paragraph 9).

     It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Orwant and Musser because using the steps of "hash

table" would have given those skilled in the art the tools to improve the invention by

allowing quicker determination of processing of entries. This gives the user the

advantage of better use of computing resources.

     As per claim 38, rsync teaches

     the directory comparison process is further configured to alternate in selecting

entries from the source and destination directories when walking the source and

destination directories. (OPTIONS section, -r command; "configured to" indicates

intended use)

As per claim 39, rsync teaches

the step of reporting comprises recording the difference on a disk. (OPTIONS

SUMMARY section)

As per claim 40, rsync teaches

the step of reporting comprises recording the difference on a disk. (OPTIONS

SUMMARY section)

As per claim 41, rsync teaches

the process is further adapted to report the difference by recording the difference

on the storage disks. (OPTIONS SUMMARY section)

Response to Arguments

10.   Applicant's arguments with respect to claims 1-41 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

11.   The prior art made of record, listed on form PTO-892, and not relied upon is

considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tim T. Vo/
Supervisory Patent Examiner, Art Unit 2168

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